

## Permitting & Assistance Branch Staff Report

Revised Solid Waste Facilities Permit for the  
Jepson Prairie Organics Composting Facility  
SWIS No. 48-AA-0083  
July 1, 2013

### **Background Information, Analysis, and Findings:**

This report was developed in response to the Solano County Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for the Jepson Prairie Organics Composting Facility, SWIS No. 48-AA-0083, located in Solano County and is owned and operated by the Jepson Prairie Organics Composting Facility. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on May 14, 2013. New proposed permits were received on June 4, 2013 and June 25, 2013. Action must be taken on this permit no later than August 24, 2013. If no action is taken by August 24, 2013, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

### **Proposed Changes**

The following changes to the first page of the permit are being proposed:

	Current Permit (2002)	Proposed Permit
Permitted Traffic	500 vehicles per day (VPD) averaged over 7 days with a 650 VPD peak combined with Hay Road landfill	620 VPD 7 day average combined for Jepson Prairie Organics and Hay Road Landfill

Other Changes include:

1. Removal of conditions, which overlap other agencies;
2. Reference updated documents that authorize composting activities;
3. Minor changes to the LEA conditions; and
4. The incorporation of a revised Report of Composting Site Information, which includes a change in the covering in the Covered Aerated Static Pile System to allow 'overs' to be used as the cover. (This change was previously accepted by the LEA as a minor change.)

**Comment [D01]:** Added one about signs, removed a couple that were duplicative of SMS and OIMP, and/or the RCSI.

### **Key Issues**

The proposed permit will allow for the following:

1. Increase in the traffic volume to 620 VPD averaged over 7 days combined with the Recology Hay Road Landfill with no peak limit.

### **Background:**

Jepson Prairie Organics Composting Facility (JPO) is located on 54 acres within the permitted boundary of the 640-acre Recology Hay Road Landfill. JPO began operations in 1997 under a Registration permit as a green waste composting facility. In 1998, the facility was up-tiered to a Standardized permit, and then in 2005 to a full SWFP. JPO uses four types of composting

methods: 1) Windrow Composting Process, 2) Unground Static Pile (variation of windrow) process, 3) Tarp-Type In-Vessel Composting process, 4) Covered Aerated Static Pile (CASP). All methods function independently and simultaneously. Other activities conducted at JPO include the metal/white goods/ and tire handling.

**Findings:**

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated May 13, 2013, and an email dated June 6, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on March 19, 2013. The LEA provided a copy to the Department on May 14, 2013. The changes identified in the review are reflected in this permit revision.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on June 4, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on May 14, 2013, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Non Disposal Facility Element of the Countywide Integrated Waste Management Plan, as described in the memorandum dated May 21, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on June 3, 2013. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on May 13, 2013, and an email dated June 6, 2013, that the proposed permit is consistent with and supported by the existing CEQA documentation.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
	See the Environmental Analysis below for details.	
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on April 9, 2013. No written comments were received by LEA or Department staff. Oral comments were addressed by LEA staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

#### **Compliance History:**

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on June 3, 2013 and found that the facility is in compliance with applicable state minimum standards and permit conditions.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2013 (January - March) – No violations were noted.
- 2012 – Two violations of 14 CCR Section 17867(a)(2) – Odor Control. Five violations of PRC Section 44014(b) – Operator Complies with Terms and Conditions of the Permit.
- 2011 – Two violations of 14 CCR Section 17867(a)(2) – Odor Control. Two violations of PRC Section 44014(b) – Operator Complies with Terms and Conditions of the Permit.
- 2010 – 15 violations of 14 CCR Section 17867(a)(2) – Odor Control. See the information below regarding the 2010 Stipulated Corrective Action Order.
- 2009 – Five violations of 14 CCR Section 17867(a)(2) – Odor Control and one violation of 14 CCR Section 17868.1 – Sampling Requirements.

The facility is operating under a Stipulated Corrective Action Order (Order) issued to the operator by the LEA on May 27, 2010 to address the violations of 14 CCR 17867(a)(2). The compliance dates for actions required by the operator have been met, however if odors are detected in the future, the LEA may require the operator reduce the amount of food waste that can be accepted as stipulated in the Order.

#### **Environmental Analysis:**

Under the California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of

the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the Solano County Department of Resource Management, Planning Division, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include an increase in the traffic volume from 500 vehicles per day (VPD) averaged over 7 days with a 650 VPD peak combined with Recology Hay Road Landfill to 620 VPD averaged over 7 days including Recology Hay Road Landfill, with no peak limit. There will be no changes to the daily tonnage, hours of operation, acreage or feedstock. The change is supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2004032138, was circulated for a 30 day comment period from August 1, 2012, to August 30, 2012. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation Monitoring and Reporting Program. The MND, together with the Mitigation Monitoring and Reporting Program, was approved by the Lead Agency on October 18, 2012.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP. Department staff has reviewed and considered the CEQA Findings adopted by the Lead Agency. Department staff further recommends the MND, together with the CEQA finding, and the Lead Agency's response to comments dated October 18, 2012, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

**Public Comments:**

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on April 9, 2013, at Elmira Fire Station, 06 A Street, in the City of Elmira. Thirteen members of the public were in attendance. Below is the summary of the verbal public comments received at the informational meeting and steps taken by the LEA.

1. Comment Summary: Concerns that the proposed changes to the Engineered Compost System (ECS) could increase leachate and odors.

Steps Taken by LEA: The LEA is requiring the operator to describe the proposed changes in the RCSI. These changes include installation of additional biofilters, placement of perforated piping in the compost rows and elimination of open, hollow centers to prevent collapse of piles creating anaerobic conditions, and increased airflow through the piles.

The operator does not anticipate the generation of leachate beyond the capacity of this leachate collection and treatment system using a bio-cover in place of the synthetic covers. The operator reports to the LEA that the enhancements to the ECS system will improve aerobic conditions within the compost piles, and that stabilization of the composting materials will occur faster and more completely, resulting in a more stable finished product with an earthy smell. The LEA will continue to monitor the effectiveness of the proposed changes to the ECS system and will take necessary action based on our routine and complaint investigations.

In 2010, the LEA and the operator entered into a stipulated corrective action order. The operator is complying with this order and the order will remain in effect after revision of the permit. One key component of the order is the reduction of food scrap feedstock until the operator has implemented all structural and operational controls, and can demonstrate operations do not generate odor events (two odor violations within 30 days) through the wet weather period.

2. Comment Summary: Odor Issues

Steps Taken by LEA: The LEA is requiring the operator to describe in the RCSI/OIMP the steps it will take to research off site chemical monitoring to assist with confirmation of nuisance off site odors. The LEA is requiring the operator to describe the operational changes to the ECS that will further reduce the potential for generation of off-site odor.

Title 14, California Code of Regulations, section 17867(a)(2) requires that compost facilities minimize odor impacts and nuisances. The LEA cannot require complete elimination of off-site odor. There is no law or regulations limiting the distance odor can be detected off site from a composting facility. The LEA can only require action by the operator that will minimize odor impacts and nuisances. The operator has stated that the proposed changes will result in additional reduction of off-site odor and the LEA will continue to monitor to verify the effect of these changes.

3. Summary Comment: Public notification and lack of participation.

Steps Taken by LEA: The LEA has exceeded minimum notification requirements by notifying nearby property owners, interested individuals, and our stakeholder group regarding this permit. Some of these individuals live three miles or more from the facility. Stakeholders were also notified by the Solano County Planning Services Division

as the use permit was being amended and some stakeholders did attend and comment at the Planning Commission.

The LEA has always provided the required notifications. As more individuals who reside beyond the minimum notification requirements show interest, their names are added to the LEA's contact list for future notifications.

#### 4. Summary Comment: Concerns with the LEA's response time, investigation and enforcement of odor complaints

Steps Taken by LEA: The LEA has had JPO implement extensive changes to their processes since 2010. As part of the Stipulated Corrective Action Order, JPO paid \$20,000 in penalty and implemented structural and operational changes to their facility.

The LEA consistently follows an Odor Response Protocol that utilizes after hours on-call staff. Response times vary from 30 minutes to a few hours, but each odor complaint is taken seriously. All findings are shared with the complainant and operator. In 2010, the LEA was consistently able to identify persistent, nuisance level odors in the community because of JPO operations. This past winter period (2012-2013), the LEA has been able to detect odor in response to some complaints, but the odor detected has been low intensity and of short duration. The LEA has issued Areas of Concern for these events, but not violations. The LEA does treat all complaints with an unbiased approach, taking all information from the complainant, operator and its own independent investigation into account.

No written comments were received by the LEA or Department staff.

The Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on June 18, 2013.